

IN THE DISTRICT COURT, FOURTH JUDICIAL DISTRICT
WITHIN AND FOR THE COUNTY OF SHERIDAN, STATE OF WYOMING

SHERIDAN AREA WATER SUPPLY
JOINT POWERS BOARD,

Plaintiff,

-vs-

JOHN W. FERRIES and
AUDREY H. FERRIES,

Defendants.

CERTIFIED COPY

Civil Action No. 206-5-94

Filed in the Office of the Clerk of the
District Court of Sheridan County, WY.

JAN - 6 1995

JOHN KOGOL, Clerk of Court
By *[Signature]* Deputy

ORDER OF AWARD

The captioned matter came on to be considered upon Plaintiff's motion for entry of an order of award. Being duly advised, and having considered all matters of record, the Court finds:

1.

The Plaintiff initiated proceedings in Condemnation on or about the 17th day of May, 1994 and the Plaintiff's right to make appropriation and necessity for the appropriation were settled by stipulation of the parties in open Court at the initial hearing on Plaintiff's Complaint on the 19th day of July, 1994.

2.

An Order of Condemnation was entered on the 27th day of July, 1994 which granted Plaintiff immediate entry and possession of a perpetual easement across and upon real property of Defendants in Sheridan County, Wyoming, as described on Exhibit "A", attached hereto and incorporated herein by reference thereto, for such work thereon as may be required to survey, install, inspect, construct, operate, repair, maintain and replace an underground water pipeline for the conveyance of water.

3.

Pursuant to the Order of Condemnation of this Court, three (3) disinterested residents of Sheridan County, Wyoming were appointed and instructed as to law and procedure to follow in making an ascertainment of compensation to be paid to Defendants, in accord with WRCP Rule 71.1(h).

4.

On September 19, 1994 the appraisers certified to this Court the compensation to be paid by Plaintiff to Defendants for the taking of the property as described on Exhibit "A" as follows:

9435-309-213

A. Permanent easement: \$1,590.00
B. Temporary easement: \$1,770.00

Total \$3,360.00

5.

On October 19, 1994, pursuant to WRCP Rule 71.1 (2)(j), Defendants filed a written demand for a trial by jury on the issue of just compensation.

6.

The parties have compromised and have executed a Stipulation for Withdrawal of Demand for Jury Trial which has been filed of record in this matter, the terms of which should be approved and made part of this Order of Award.

7.

On May 17, 1994, contemporaneously with the filing of the complaint in this matter, Plaintiff deposited with the Clerk of this Court the sum of \$2,883.88 and after review of the appraisers' ascertainment of compensation, on September 30, 1994, deposited the additional sum of \$476.12 with said Clerk, for a total of \$3,360.00 being deposited, and Defendants are now entitled to that money as compensation for the taking of their property. Such deposits were made in accord with Wyoming Statutes §1-26-513 and WRCP Rule 71.1(c) (4), with interest accruing to the benefit of Plaintiff, such interest to cease accruing as of entry of this order pursuant to WRCP Rule 71.1(f).

8.

Plaintiff is entitled to return of the interest accrued on the deposited funds to date of this order.

9.

The Plaintiff should pay the costs of this matter, which are:

Filing fee:	\$60.00
Court reporter:	\$22.50
Appraiser fee & costs:	\$731.45
Total:	\$813.95

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1.

Plaintiff shall be and is the owner of a perpetual easement across and upon real property in Sheridan County, Wyoming, as described on Exhibit "A", attached hereto and incorporated by reference thereto, for such work thereon as may be required to survey, install, inspect, construct, operate, repair, maintain and replace an underground water pipeline for the conveyance of water.

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2.

Plaintiff is also granted a temporary construction easement as described on Exhibit "A", attached hereto, which shall terminate upon expiration of any contractor's warranty period upon completion of construction of an underground pipeline.

3.

Defendants are hereby awarded the sum of \$3,360.00, as compensation for the Plaintiff's taking of Defendant's property, to be paid by the Clerk of this Court to Defendants from the monies deposited by Plaintiff.

4.

Plaintiff is awarded the interest accrued on the entire deposited monies to date of entry of this order.

5.

The Stipulation for Withdrawal of Demand for Jury Trial made by the parties as filed of record in this matter is approved, the terms of which are incorporated herein as if fully set forth.

6.

Each appraiser is allowed and awarded a fee as set forth in this Courts Order Fixing Appraisers' Fees dated October 24, 1994.

7.

The costs of this matter are:

Filing Fee:	\$60.00
Court Reporter:	\$22.50
Appraisers Fees & Expenses:	\$731.45
Total	\$813.95

8.

Plaintiff shall pay all costs of this matter.

DATED this 5th day of June, 1994.

Bruckley
DISTRICT JUDGE

Approved as to form:

Virgil G. Kinnaird
Virgil G. Kinnaird

Lawrence A. Yonkee
Lawrence A. Yonkee

Certificate of Clerk of the District Court. The above is a true and correct copy of the original instrument which is on file of record in this Court.
Dated this 9th day of June 1994.
By *Christy Hall* Clerk
Deputy



EXHIBIT "A"

A perpetual water line easement thirty (30) feet wide, being fifteen (15) feet each side of the following described centerline situated in the N $\frac{1}{4}$ N $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 55 North, Range 85 West, 6th P.M., Sheridan County, Wyoming, as shown on Exhibit "B" attached hereto and by this reference made a part hereof, said centerline more particularly described as follows:

Commencing at the southwest corner of Section 10; thence N51°46'13"E, 3344.85 feet to the POINT OF BEGINNING of the herein described easement; said point lying on the west line of a tract of land described in Book 191 of Deeds, Page 128, and being N0°30'33"W, 52.36 feet from the northwest corner of the Beaver Flats Subdivision to Sheridan County; thence through a curve to the left, having a radius of 2500.00 feet, a central angle of 10°23'19", an arc length of 453.29 feet, a chord bearing of N70°38'00"E, and a chord length of 452.67 feet along said centerline to a point; thence N65°26'20"E, 873.90 feet along said centerline to a point; thence N85°26'20"E, 461.03 feet along said centerline to a point; thence N75°26'20"E, 120.00 feet along said centerline to a point; thence N65°03'42"E, 124.66 feet along said centerline the POINT OF TERMINUS of said easement, said point lying on the north line of said tract described in Book 191 of Deeds, Page 128, and being S89°12'07"W, 727.60 feet from the east quarter corner of said Section 10.

The above described easement contains 1.400 acres, more or less, and is subject to any rights-of-way and/or easements, reservations and encumbrances which have been legally acquired.

In addition, a temporary construction easement will be required, being a strip of land twenty five (25) feet wide, the southerly line of said strip being the northerly line of said perpetual thirty (30) foot wide easement, and also a strip of land twenty five (25) feet wide, the northerly line of said strip being the southerly line of said perpetual thirty (30) foot wide easement.

Said temporary construction easement contains 2.333 acres more or less, and will become null and void at the time that the project contractor's one year contractual warranty expires.

Basis of Bearings is Wyoming State Plane (East Central Zone).

EXHIBIT "B"

WATERLINE EASEMENT

